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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,522	03/08/2000	David H Cox	HI03029USU(P99005US)	1086

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Jennifer H. Hammond
THE ECLIPSE GROUP
10453 Raintree Lane
Northridge, CA 91326

EXAMINER

NI, SUHAN

ART UNIT PAPER NUMBER

2643

DATE MAILED: 02/18/2004

24

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/521,522

Applicant(s)

COX ET AL.

Examiner

Suhan Ni

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10, 13-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 6-8 and 25-30 is/are allowed.
6) ☒ Claim(s) 9-10, 13-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission for RCE filed on 11/20/2003 has been entered.
2. This communication is responsive to the amendment dated 11/20/2003.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-10 and 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azima et al. (US-6,377,695).

Regarding claim 9, Azima et al. disclose a loudspeaker component (Figs. 2, 2a) comprising: a first surface layer (10); a second layer (10) fixed to the first layer so as to defined a core (11) and a margin (7); and sound damping material disposed in the core (11), wherein the margin comprises a first flange and a second flange (Fig. 1), the core is completely encased by the first layer and the second layer, both layers and sound damping material comprise a three-layer laminate as claimed. But Azima et al. do not clearly teach a throat shaped configuration as claimed. Since Azima et al. do not restrict the utilization of the loudspeaker component for any

specific application, it therefore would have been obvious to one skilled in the art at the time the invention was made to provide any desirable configuration, such as a throat shaped configuration for the loudspeaker component as an alternate choice, in order to utilize the loudspeaker component in many different applications.

Regarding claims 10, 14 and 23, Azima et al. do not clearly teach a trapezoid configuration as claimed. Since Azima et al. do not restrict the utilization of the loudspeaker component for any specific application, it therefore would have been obvious to one skilled in the art at the time the invention was made to provide any desirable configuration, such as a trapezoid configuration for the loudspeaker component as an alternate choice, in order to utilize the loudspeaker component in certain applications.

Regarding claim 13, Azima et al. further disclose the loudspeaker component, wherein the first and second flanges are defined by a first and a second state (Figs. 2, 4) as claimed.

Regarding claim 15, Azima et al. further disclose the loudspeaker component, wherein the layers comprise a no more than three-layer laminate (Fig. 2).

Regarding claims 16-20, Azima et al. do not clearly teach a damping material as claimed. Since providing certain desirable material as a damping material for an acoustic panel core layer is very well known in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to provide a damping material, such as a silicon rubber as a damping material for the core layer of the loudspeaker component as an alternate choice, in order to obtain certain desirable acoustic characteristics.

Regarding claims 21-22, Azima et al. do not clearly teach a thickness for each of the layers as claimed. Since Azima et al. do not restrict the thickness for each of the layers, it

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therefore would have been obvious to one skilled in the art at the time the invention was made to provide each layer with desirable thickness, such as an equal thickness for each of the layers, for the loudspeaker component as an alternate choice, in order to utilize the loudspeaker component in certain applications and obtain specific acoustic effects.

Regarding claim 24, Azima et al. do not clearly teach a thermosetting resin with fiberglass reinforcement as claimed. Since providing a thermosetting resin with fiberglass reinforcement as a molding material for an acoustic panel cover layer is very well known in the art, it therefore would have been obvious to one skilled in the art at the time the invention was made to provide a thermosetting resin with fiberglass reinforcement as a molding material for the first and second layers of the component as an alternate choice, in order to make the loudspeaker component more durable.

Allowable Subject Matter

4. Claims 6-8 and 25-30 are allowed.

Response to Amendment

5. Applicant's arguments dated 02/26/2003 and 11/20/2003 have been fully considered, but they are not deemed to be persuasive.

Regarding claim 9, the cited reference (US-6,377,695) still teaches all the limitation as claimed (please see rejection above). The newly added limitation of "a throat" is also disclosed by the prior art (please see Figs 2, and 2a).

Furthermore, the examiner thanks the applicants for further narrowing down the claimed subject matters by adding the term "throat". Clearly, the utility of the "throat" structure in the

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claims is very different with the throat structure of prior art. So, further adding the limitation for the function of the throat will clearly overcome the prior art of the current reject.

Conclusion

6. **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Any response to this final action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

Or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE"), or

(703) 305-9508, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:


**Receptionist, Sixth Floor,
Crystal Park II,
2121 Crystal Drive,
Arlington, Virginia 22202**

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Suhan Ni** whose telephone number is (703)-308-9322, and the number for fax machine is (703)-305-9508. If it is necessary, the examiner's supervisor, **Curtis Kuntz**, can be reached at (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

Suhan Ni
Patent Examiner
Art Unit 2643
USPTO



SUHAN NI
PATENT EXAMINER

February 16, 2004